

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

1104PM

LYNDA HILLIARD, }
 Plaintiff, } Case No. 20CV19248
 v. } SUMMONS
 COSTCO WHOLESALE CORPORATION, }
 a foreign corporation, }
 Defendant. }

TO: **C T Corporation System - Registered Agent**
Costco Wholesale Corporation
780 Commercial St SE, Suite 100
Salem, OR 97301

You are hereby required to appear and defend the complaint filed against you in the above-entitled action within thirty (30) days from the date of service of the summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 685-4763 or toll-free in Oregon at (800) 452-7636.

STATE OF OREGON }
 } ss.
County of Marion }

I, the undersigned am of the attorneys of record for the plaintiff and certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.


 Signature of Attorney/Author for Plaintiff

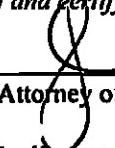
| | |
|----------------------------------|------------------|
| James V. Usera | 054012 |
| Attorney of Record for Plaintiff | Bar No. (if any) |
| (typed or printed) | |

5778 Commercial Street SE

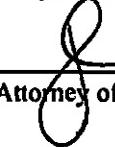
Address

| | | | |
|-------|--------|-------|----------------|
| Salem | Oregon | 97306 | (503) 378-7744 |
| City | State | Zip | Phone |

| | |
|--|------------------|
| Trial Attorney if Other Than Above (typed or printed) | Bar No. (if any) |
|--|------------------|


 Attorney of Record for Plaintiff

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service which you shall attach hereto.


 Attorney of Record for Plaintiff

5/28/2020 3:13 PM
20CV19248

A TRUE COPY

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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH**

6 LYNDA HILLIARD.

Plaintiff.

8 | Page

9 COSTCO WHOLESALE CORPORATION,
a foreign corporation.

Defendant

Case No. 20CV19248

COMPLAINT (Personal Injury)

**Not Subject to Mandatory Arbitration
(Prayer: \$350,000)**

Jury Trial Requested

Fee Authority: ORS 21.160(1)(c); \$594

13 COMES NOW plaintiff Lynda Hilliard (hereinafter "Plaintiff"), by and through her
14 attorneys and alleges as follows:

15 || Page

The Plaintiff is an individual residing in Tigard, Washington County, Oregon.

17 || 2

18 Defendant Costco Wholesale Corporation (hereinafter "Costco") is a foreign corporation
19 which is authorized to and does conduct regular and sustained business activities throughout
20 Oregon, including Multnomah County. Costco operates as a wholesale and retail based
21 membership club.

22 || 3.

23 Costco operates a retail warehouse, which includes an automotive tire center, located at
24 7850 SW Dartmouth St., Tigard, Oregon.

25

Harris, Wyatt & Amala, L.L.C.
Attorneys at Law
5778 Commercial Street SE
Salem Oregon 97306
Ph: 503-378-7744
Fax: 503-378-1013
jusers@solemailattorneys.com

4.

2 On or about June 2, 2018, the Plaintiff entered the Costco tire center pursuant to her
3 membership with Costco and was a business invitee.

5.

5 As the Plaintiff walked through the retail tire center an employee of Costco, who was
6 behind several stacks of tires, threw an automotive tire over the stack of tires and struck Plaintiff
7 in the head knocking her to the ground.

6.

9 At the time of the event described above, Costco was negligent in one or more of the
10 following particulars:

7.

21 Costco's conduct, through its employees actions, constituted a reckless and outrageous
22 indifference to a highly unreasonable risk of harm and further constituted a conscious indifference
23 to the health, safety and welfare of others, including the plaintiff.

24

25

Marris, Wyatt & Amala, LLC
Attorneys at Law
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Salem Oregon 97306
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Fax: 503-378-1013
jusera@salmaattorneys.com

8.

2 As a direct and proximate result of Costco's negligence and recklessness as set forth
3 above, the Plaintiff sustained the following foreseeable severe and disabling injuries:

- a). A traumatic brain injury;
 - b). Post-concussion syndrome;
 - c). Cervical spine and spinal area injuries;
 - d) Left shoulder injury;
 - e). Headaches;
 - f). Anxiety and depression; and
 - g). Tinnitus.

9.

12 Some or all of the injuries the Plaintiff suffered may have been made more severe on
13 account of one or more pre-existing infirm bodily conditions; or, in the alternative, caused
14 aggravations of pre-existing conditions.

10.

16 As a direct and proximate result of Costco's negligence and recklessness as set forth
17 above, and the Plaintiff's injuries set forth above, the Plaintiff has suffered and will continue to
18 suffer pain, soreness, discomfort, fatigue, and limitations to her normal activities of daily living
19 and is entitled to non-economic damages in a reasonable amount not to exceed \$300,000.

11

21 As a further direct and proximate result of Costco's negligence and recklessness, the
22 Plaintiff has incurred reasonable and necessary expenses for medical and health care in the
23 approximate sum of \$25,000, the exact amount to be interlineated prior to trial. The Plaintiff will
24 require additional medical care in the future to her economic damage currently estimated to be in

1 the sum of \$20,000.

2 12.

3 As a further direct and proximate result of Costco's negligence and recklessness, and as a
4 result of the Plaintiff's injuries, plaintiff missed work and, accordingly, lost wages in the
5 approximate sum of \$5,000.

6 13.

7 The Plaintiff reserves the right to amend her complaint to add a claim for punitive
8 damages.

9 14.

10 The Plaintiff demands a jury trial.

11 WHEREFORE, Plaintiff Lynda Hilliard prays for judgment in her favor and against
12 Defendant Costco Wholesale Corporation as follows:

- 13 a. For non-economic damages in the sum of \$300,000.
- 14 b. For economic damages in the approximate sum of \$25,000 for reasonable and
15 necessary medical expenses incurred to date;
- 16 c. For economic damages in the sum of \$5,000 for lost wages;
- 17 d. For Plaintiff's costs and disbursements incurred herein; and
- 18 e. For such other relief as the court finds to be just and equitable.

19 DATED this 28th day of May, 2020.

20 James V. Usera, OSB No.: 054012
21 Randall W. Snow, OSB No.: 075230
22 Attorneys for Plaintiff Lynda Hilliard



TO: Laura Aznavoorian, Litigation Supervisor
 Gallagher Bassett Services, Inc.
 1901 S. Meyers Rd, Suite 200C
 Oakbrook Terrace, IL 60181

RE: **Process Served in Oregon**

FOR: Costco Wholesale Corporation (Domestic State: WA)

Service of Process Transmittal

06/05/2020
 CT Log Number 537750517

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

| | |
|------------------------------------|---|
| TITLE OF ACTION: | Lynda Hilliard, Pltf. vs. Costco Wholesale Corporation., etc., Dft. |
| DOCUMENT(S) SERVED: | - |
| COURT/AGENCY: | None Specified Case # 20CV19248 |
| NATURE OF ACTION: | Personal Injury - Failure to Maintain Premises in a Safe Condition |
| ON WHOM PROCESS WAS SERVED: | C T Corporation System, Salem, OR |
| DATE AND HOUR OF SERVICE: | By Process Server on 06/05/2020 at 15:07 |
| JURISDICTION SERVED : | Oregon |
| APPEARANCE OR ANSWER DUE: | None Specified |
| ATTORNEY(S) / SENDER(S): | None Specified |
| ACTION ITEMS: | CT has retained the current log, Retain Date: 06/05/2020, Expected Purge Date: 06/20/2020 Image SOP Email Notification, Laura Aznavoorian laura_aznavoorian@gbtpa.com Email Notification, Zois Johnston zjohnston@costco.com Email Notification, Maureen Papier maureen_papier@gbtpa.com |
| SIGNED: ADDRESS: | C T Corporation System 1999 Bryan Street Suite 900 Dallas, TX 75201 |
| For Questions: | 866-665-5799 SouthTeam2@wolterskluwer.com |